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L A W Y E R S

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-
06-10725 LBR

**Notice Of Hearing Regarding Objection
Of The USACM Liquidating Trust To
Blair E. Roach And Barbara K. Roach
Claim Asserting Priority Status (With
Certificate Of Service)**

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THIS IS NOT AN OBJECTION TO THE VALIDITY OR
AMOUNT OF YOUR CLAIM, RATHER IT ARGUES THAT YOUR CLAIM IS
NOT ENTITLED TO PRIORITY STATUS. THE DEADLINE TO RESPOND TO
THE OBJECTION IS OCTOBER 5, 2007. PLEASE DO NOT CONTACT THE
CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR
CLAIM. Questions regarding the amount of a claim or the filing of a claim should be
directed to the undersigned counsel.**

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1 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
2 through its counsel, has filed an Objection to your Claim Asserting Priority Status. The
3 USACM Liquidating Trust has requested that this Court enter an order, pursuant to section
4 502 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 3007 of the
5 Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), for an order denying
6 priority status to your alleged Priority Claim against USA Commercial Mortgage
7 Company (“USACM”).

8 Specifically, the USACM Liquidating Trust argues that there is no basis in the
9 proof of claim or in the books and records of the Debtors that would support a priority
10 Claim. The USACM Trust objects to the Claim on the basis that it is not one of the ten
11 types of Claims entitled to priority status under Bankruptcy Code § 507, and asserts it
12 should be reclassified as a general unsecured Claim. The claimant has produced no
13 evidence or documentation supporting the contention that it should be treated as a priority
14 Claim. The USACM Trust does not object to the validity or amount of the Claim at this
15 time, but reserves the right to do so in the future. The Trust requests that the Court
16 reclassify the claim as a general unsecured claim (albeit subject to potential, additional
17 objections). As explained in the objection, the USACM Liquidating Trust may have other
18 objections to the claim that will be filed later.

19 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
20 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
21 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
22 **October 15, 2007, at the hour of 9:30 a. m.**

23 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
24 **OCTOBER 15, 2007, WILL BE HELD FOR THE PURPOSE OF STATUS**
25 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
26 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

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1 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
2 by **October 5, 2007**, pursuant to Local Rule 3007(b), which states:

3 If an objection to a claim is opposed, a written response must be filed and
4 served on the objecting party at least 5 business days before the scheduled
5 hearing. A response is deemed sufficient if it states that written
6 documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
8 pleading with the Court. You *must* also serve your written response on the person who
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
written response on the person who sent you this notice, then:

- 11 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 12 • The Court may *rule against you* without formally calling the matter at the
hearing.

13 Dated: September 4, 2007.

LEWIS AND ROCA LLP

14
15 By: /s/ RC (#6593)

16 Susan M. Freeman, AZ 4199 (*pro hac vice*)

17 Rob Charles, NV 6593

Counsel for USACM Liquidating Trust

18 COPY of the foregoing served via email where an email address is listed, and if no email
19 address is listed, by first class mail, postage prepaid, on September 4, 2007, to the
following party:

20 Blair E. and Barbara K. Roach
21 PO Box 1238
22 Zephyr Cove NV 89448-1238

23 By: /s/ Christine Laurel
24 Christine Laurel